

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DESHAWN HUBBARD,

Plaintiff(s),

v.

DR. A. FAGHIHNIA, M.D., et al.,

Defendant(s).

CIVIL ACTION

NO. **04-71444**

HON. JOHN CORBETT O'MEARA

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF'S COMPLAINT**

This matter has come before the Court on the Magistrate Judge Whalen's July 12, 2005 Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including any Objections, the Court finds that the Magistrate Judge reached the correct conclusion in the Report and Recommendation. Accordingly, the Court hereby **ACCEPTS AND ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety.

IT IS ORDERED that defendant's motion to dismiss is **GRANTED** and the above matter is **DISMISSED WITHOUT PREJUDICE**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: August 23, 2005

Copies: Deshawn Hubbard, Kimberley Koester